

Remarks

This Amendment is respectfully submitted in reply to the Examiner's Official Action dated October 6, 2005. In the Official Action, the Examiner noted that claims 1-7, 9, and 16-18 are pending in the application; while claims 8, 10-15, 19 and 20 were withdrawn from consideration as a result of the election of the species disclosed in Figures 1, 2, and 23 (Species 1) made by the Applicant in its paper dated September 14, 2005, which was submitted in response to the Restriction Requirement dated August 16, 2005.

The Examiner has objected to language in claims 16-18. In particular, the Examiner indicates that the language "platform-type" should be changed to "platform". Applicant has made the requested corrections to claims 16-18.

The Examiner has rejected all pending claims 1-6, 9, 16 and 17. Claims 1-6, 9, 16 and 17 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 3,567,242 issued to **L.F. Miller** on March 2, 1971, entitled "*Wheeled Coaster Device*". In addition, claims 7 and 17 stand rejected under 35 USC 103(a) as being obvious in view of the **Miller** '242 patent. The Examiner has not specifically indicated the status of claim 18, but it is assumed such claim has similarly been rejected. In the present

Amendment, Claims 1, 3, and 16-18 have been amended and new claims 21 and 22 added. The Examiner's rejections are traversed below.

The **Miller** '242 patent discloses a ground coaster which is comprised of a triangular-shaped platform with side edges that are preferably at least two feet long, with caster wheels (all normally the same size) connected to the bottom of the platform near the apexes of the triangle. Two of the wheels comprise the front wheels of the coaster, and such front wheels are steerable manually by handles that extend upwardly a short distance from the top surface of the platform, while the third or rear wheel is not steerable but is freely swivelable. The turning mechanisms for the front wheels are independent of one another so that the front wheels are independently steerable. The inventor claims that such steering arrangement enables riders of the coaster to make very quick or sharp turns that would otherwise not be possible if the front wheel steering mechanisms were connected together or if there was only a single steering mechanism. As shown in FIG. 4, the coaster is capable of being quickly pivoted or turned so that it is sliding down a slope sideways, backwards, or at various angles in-between. **Miller** indicates in Column 3 that while the dimensions of the board, the exact location of the wheels, and the length of the steering mechanism may be modified, it is required that the two front wheels must be steerable by separate controls or handles, and the third

wheel must be freely swivelable. **Miller** indicates that otherwise, the turning maneuvers that can be performed using such coaster would not be possible.

The Examiner indicates in her Official Action that **Miller** anticipates Applicant's wheelie vehicle invention as described in claims 1-5, 9, 16 and 17 because the **Miller** coaster has a support platform, a rear wheel and a pair of front wheels, and a handlebar extending upwardly from the platform. Applicant respectfully submits, however, that its wheelie vehicle is not anticipated by and is patentably distinguishable from the **Miller** coaster. While the **Miller** coaster apparently can be used to perform various entertaining stunts as a result of its dual, independent steering mechanisms connected to the front wheels of the coaster, such coaster clearly is not constructed to perform wheelie maneuvers or to be operated while balanced on a single primary wheel. While **Miller** indicates that "the size and location of the wheels beneath the platform can be varied, depending upon the design and size considerations", clearly the front wheels of the **Miller** coaster need to be in contact with the ground surface for the benefits of such coaster to be experienced by a rider. In addition, the front steerable wheels of the **Miller** coaster clearly must be spaced apart a certain minimum distance for the advantages and benefits gained by the dual, independent steering arrangement to be effective. If the front wheels of the **Miller** coaster were positioned too close together, they would in effect act as a single wheel and independent turning of either wheel would

not cause the coaster turn to abruptly, but rather it would act as if the front axle for such wheels had broken, and the coaster would thus become inoperative. Similarly, Applicant respectfully submits that if the third wheel of the **Miller** coaster is not spaced apart a certain minimum distance from the front wheels, such third wheel could not effectively swing the coaster around as shown in FIG. 4 as the front wheels are independently steered by a rider, and again the **Miller** coaster would become inoperative, at least with respect to the manner of operation contemplated by the specification.

With respect to the ability of the **Miller** coaster to perform wheelies, the Examiner refers in her Official Action to Column 3, Lines 1-5 and 30-31 of the **Miller** specification. Lines 1-5 indicate that the independent steering means of the **Miller** coaster enables it to perform "many unusual and complex feats", some of such feats which are then discussed with reference to FIG. 4. While such coaster apparently can pivot and turn very abruptly, there is no indication or suggestion in the specification that a wheelie maneuver can be performed on such coaster, or that it is designed to travel on a single primary wheel or set of wheels as is the present inventor's wheelie vehicle. Likewise, while Lines 30-31 indicate that the **Miller** coaster can turn, pivot, and stop quickly, performance of a wheelie maneuver clearly is not discussed or suggested.

In addition, while Column 3, Lines 46-50 of the **Miller** specification indicate that the size and location of the wheels of the coaster can be varied, it is respectfully submitted that **Miller** also clearly qualifies this statement by adding that "so long as two of them [i.e., the wheels] can be operated by separate control means and the third one can swivel freely about its vertical axis". As has already been pointed out above, if either the two front wheels or the front and rear wheels of the **Miller** coaster are moved closer together, the benefits of having separate or independent steering or control means are lessened, and at some point the coaster will become inoperative.

In contrast, in the preferred embodiment of Applicant's wheelie vehicle, such vehicle is meant to travel over a ground surface on a single wheel while a wheelie maneuver is being performed. The other wheels will be in contact with the ground surface only during initial mounting of the vehicle by a rider, or during dismounting by a rider when a ride is about to end, to stabilize the vehicle during such periods. The stabilizing wheels may also come into contact with the ground surface temporarily during performance of a wheelie maneuver if the rider loses his or her balance until such balance is regained, or if a series of shorter wheelie maneuvers are performed. Such stabilizing wheels are thus not unlike a pair of training wheels on a typical two-wheeled bicycle. It is respectfully asserted, therefore, that the effective wheel arrangement and benefits of Applicant's wheelie vehicle are completely different from

and not obvious in view of the arrangement shown in the **Miller** coaster as well as any other combination of references known to the Applicant.

The Applicant's wheelie vehicle also benefits from having a short wheel base, since while a short wheel base may make such vehicle overall somewhat less stable, it also makes such vehicle significantly easier for a rider to maneuver into a wheelie position. As shown in FIG. 4, a rider standing on the platform of Applicant's wheelie vehicle, while gripping the handlebar, need only lean rearwardly on the platform slightly while grasping the handlebar to pull the front wheels of the vehicle off of the ground to ride the vehicle in such a wheelie position. In this position, the center of gravity of the vehicle is moved over the rear wheel, where it can be easily, with some practice, balanced by a rider. If the rider leans too far and loses his or her balance, he or she can simply, while still gripping the handlebar, step off of the vehicle platform, catch his or her balance, and try again.

The position of the handlebar on the vehicle support platform is also important. As shown in Figures, it is preferred that the handlebar be positioned extending upwardly from substantially the center of the support platform so that it is effectively between the feet of a rider standing on such platform. In addition, the handlebar is positioned over the wheel base of the vehicle, which position enables the vehicle to be moved into a

wheelie position with very little pulling force or physical effort on the part of the rider.

The amount of effort that is required to move and hold such vehicle in a wheelie position is thus substantially less than any other amusement vehicle that the present inventor is aware of in the prior art. While it is theoretically or physically possible for most scooters or wheeled vehicles having at least two wheels to be moved into a wheelie-type position if enough force is applied on one side of the vehicle to tip the other side upwardly, as a practical matter such other vehicles cannot be held in a wheelie position for more than a moment or so without either damaging the vehicle, or, as with the **Miller** vehicle, preventing it from being used as it was intended or constructed. In fact, in most vehicles it is a goal to make such vehicle more rather than less stable. As indicated above, in use the forwardly positioned wheels in the preferred embodiment of Applicant's invention are used solely to assist the rider in catching his or her balance, after which such wheels are held off of the ground surface and the vehicle is balanced and supported and moved along a ground surface on only the rearwardly positioned wheel. The **Miller** arrangement, it is respectfully submitted, does not anticipate Applicant's claims, and Applicant further continues to believe his invention is clearly patentably distinguishable from **Miller**. Such reference does not disclose an arrangement or a physical combination of a platform vehicle having either the disclosed or claimed characteristics of Applicant's device. The particular position of the handlebar also, it is respectfully asserted, is not shown in the **Miller** coaster.

Applicant has as a result amended independent claim 1 to indicate that the rearwardly positioned wheel is the primary wheel on which Applicant's wheelie vehicle travels across a ground surface, while the other forwardly positioned wheels are substantially for purposes of stabilizing the vehicle either during mounting or dismounting the vehicle by a rider, or if the rider temporarily loses his or her balance while performing a wheelie maneuver. Independent claim 16 has been amended to more particularly indicate the position of the handle relative to the wheel base of the vehicle on the platform. Claims 16-18 have also been amended, as indicated above, to overcome the Examiner's formal objections to such claims. New claims 21 and 22 serve in effect to further define the position of the handle and to make clear the position of the handle is the position of the extension of the handle upwardly and not the position of any handholds. It is believed that, as a result, claims 1-7, 9, and 16-18 should now be in condition for allowance, as it is respectfully submitted that such claims are not anticipated by and are patentably distinguishable from Miller.

Conclusion

For all of the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and such action is earnestly solicited. It is not believed that any fees are due at this time particularly in view of the previous withdrawal

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from consideration of a number of claims. However, should any fees be due, the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment to Deposit Account 15-0385.

Respectfully submitted,



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